

TOWNSPEOPLE WHO BELIEVE IN THE COMPLAINANT WHO LOST BURN RULING JUDGE IN EFFIGY AND STONE ACCEPTED "BROTHER"

FRAUD CHARGES ARE MET BY PERJURY ALLEGATIONS

Experts Contradict Experts and Claim That William Russell Is at Bottom of Deep Conspiracy Is Countered by Similar Assertion.

(Continued from Eighth Page.)

It is the behest of his attorneys and as a witness in his own behalf, that William C. Russell appeared in court.

The opening sessions of the hearing were dull enough. Senator Simpson put witnesses after witnesses on the stand. All of them, former residents of Melrose, testified that "Dakota Dan" was Daniel Blake Russell.

On the testimony of thirty-two of the former friends of the real Daniel Blake Russell, Senator Simpson rested his case.

Respondents Open

Their Heavy Batteries.

And then came the unmasking of the batteries of the respondents.

"This man who claims to be Daniel Blake Russell," declared Attorney Mason, outlining the case for the respondents to the court, "is none other than James D. Rousseau, or Russell, a former resident of Melrose, N. Y., as the respondents are prepared to show by the testimony of his parents, brothers, and sister, and letters he has written to them."

The mine had been sprung, the supporters of "Dakota Dan" were dazed by the suddenness of the attack.

But not Senator Simpson. "I had expected something like this," said he. "The respondents haven't been scouring the country with Pinkerton for nothing."

The Russell will case had changed, from an uninteresting, proxy case, to a case celebre between two days.

Charges Fly

Thick and Fast.

From that time charges flew thick and fast. Witnesses on all parts of the country flatly contradicted each other. Senator Simpson charged in open court, that a vast conspiracy, involving the forgery of letters, the counterfeiting of postage stamps, the subornation of perjury, and other ramifications extending through many States, had been hatched to deprive his client of his rights.

Secret Service men made their appearance about Boston and began to work on the case. A Government expert, Dr. Albert Hamilton, took the stand for "Dakota Dan" and testified that forgery had been committed.

The rumor gained ground that one of the attorneys for the respondents would, when the court case closed, be placed under arrest by the Federal authorities. The cost of the trial increased enormously. The lawyer fees for the respondents alone had been over \$100,000, week and now hand-writing experts' fees, the expense of additional detectives and witnesses from all over the country entered into the case.

Claimant's "Mother" Identifies Her "Son."

The aged mother of James Rousseau, brought on from Melrose, N. Y., by the respondents, took the stand.

"Is this your son?" she was asked by Attorney Mason.

"It is," she replied.

"Dakota Dan" folded his arms and smiled contemptuously. A day later, when he took the stand in his own behalf, he broke down and wept when a look of hair he identified as his "mother's" was handed to him.

The father, brothers, and sisters, poor folk all of them, took the witness stand and identified "Dakota Dan" as James D. Rousseau.

Then came even greater sensations. Photographs of Rousseau were submitted as exhibits. Letters apparently written by "Dakota Dan" to the Rousseau family were made exhibits as well.

The brothers, sisters, and parents of Rousseau testified that they received these letters and photographs through the mail.

Senator Simpson, in rebuttal, placed handwriting experts on the stand, who swore that the letters were forgeries, that the addresses were written on the envelopes after the cancelling mark of the postoffice had been placed thereon, and that the stamps were counterfeited.

Experts Start Another Sensation.

Even postoffice experts took the stand and testified that the cancellation marks on the letters were placed there before the addresses were written in.

The second great sensation of the trial had been sprung.

On the testimony of "Dakota Dan's" experts the charges of conspiracy made by Senator Simpson appeared to be substantiated.

Then came the turn of the respondents. Experts were produced who testified that it was impossible to determine in any case which mark was first put on the envelope.

A postoffice stamping machine brought into court by a postoffice employee smashed "Dakota Dan's" charge. In open court the postoffice employee wrote and addressed and then stamped the envelope.

Examination proved that the writing looked as if it had been put on the envelope last. It was thus demonstrated that the darker imprint frequently appears to be on the top of the lighter impression.

Respondents Play Another Strong Card.

The respondents then played another card. They produced the original application in writing of "Dakota Dan" for membership in the Woodmen of the World.

It appeared that in the blanks left for information regarding the applicant's family, "Dakota Dan" had written the history not of the family of Daniel Blake Russell, but that of James Rousseau.

In the proper places it was set forth that the applicant had three brothers and two sisters living and that one of his brothers was killed in a railway accident.

This is not true of Daniel Blake Russell. It is true of James Rousseau.

Senator Simpson brought on his handwriting experts again to prove that the handwriting was not that of "Dakota Dan" but was not that of James Rousseau.

Experts for the respondents testified

In turn that "Dakota Dan" had written the answers. The sovereign clerk of the Woodmen of the World testified that the application had remained in the archives of the supreme official body of the order until he was ordered to produce it at the trial.

"Dakota Dan" Scores a Point.

"Dakota Dan" scored a point when he produced evidence that an Indian woman had once attacked Rousseau and cut him with a knife on the face and neck. Three witnesses, one of them the practicing physician, who dressed the wound, testified that the scar was ineradicable.

"Dakota Dan" bears no such scar.

To refute the testimony of Rousseau's relatives, other residents of Melrose, N. Y., were placed on the stand by Senator Simpson and swore that "Dakota Dan" was not Rousseau.

ADmits ALIASES.

FINALLY "Dakota Dan" himself was called to the stand. He added to the confusion of the already fearfully involved testimony, by acknowledging that he had changed names so often that he couldn't remember all the aliases he has traveled under himself.

He told, under the direct examination of Senator Simpson, of his wanderings after he left home. He told of his disagreement with the "elder Russell," of "hobnobbing" his way to Chicago, of working as a blacksmith in a circus.

Three times during his recital "Dakota Dan" broke down and cried like a baby. The first time came when Senator Simpson, showing him a look of gray and faded hair, asked him if he had ever seen it before.

Breaks Down A Second Time.

The second time that "Dakota Dan" broke down came during the recital of the words of controversy with the older Russell on June 2, 1885, two days before he left home. He broke down completely and declared that he could not finish the story.

The third time was when, at the conclusion of the testimony of Miss Hannah Lynde for the respondents, "Dakota Dan" followed her until she reached the witness room and then, falling on his knees, begged her, with tears in his eyes, to recognize him as "your nephew Danny."

The aged woman, who is more than eighty years old and very feeble—peered at him uncertainly, but was prevented from answering.

"Dakota Dan" was on the stand for fourteen days beginning with December 22, and for two days beginning with March 22. He told a story that even the most merciless cross examination failed to shake.

Charge Made Against Russell.

The case, lengthened by the many issues raised and the necessary adjournments, had dragged through the courts from September to February before William C. Russell appeared, voluntarily, to take the stand in his own behalf.

It had been the contention of "Dakota Dan" that the man he claimed as a brother was as clay in the hands of Ferdinand B. Almy, that William Russell was being bent to Almy's will in order that the Russell money might be kept away from the Russell co-heirs.

The man who took the stand, though slenderly and scholarly in bearing, had the appearance of supineness with which the charges of the claimant had credited him. He contradicted a number of the statements made concerning the boyhood of Daniel Blake Russell that the claimant had sworn to on the stand.

W. C. Russell On Stand Five Days.

He looked at "Dakota Dan" at Senator Simpson's request. Asked if he recognized in him his long lost brother he courteously, but with an air of unshaken finality, replied:

"I most certainly do not."

William C. Russell was on the stand five days. The remainder of the time he was in court—nearly five weeks—he sat in the bar inclosure a few feet away from "Dakota Dan." The two men were frequently observed of each other, but at no time did "Dakota Dan" sue for recognition, either by word or action.

ARGUMENTS BEGUN.

THE hearing of testimony finally closed on March 24 184 days after the case was opened. One hundred and sixteen days had then been occupied in taking the evidence of 25 witnesses.

Early this month the arguments were heard. The interest in the case was such that distinguished members of the bar, attracted by the fame the case had gained, were unable to gain admission to the bar.

Many Gather To Hear the End.

On the other hand, residents of Melrose who had followed the case from the first with avid interest and determined to be in at the finish, arrived at the East Cambridge courthouse before daylight and camped outside its iron portals for hours.

The case, as it progressed, had developed into a mighty battle between two legal generals, Attorney Nason for the respondents, Senator Simpson for the claimant.

Mr. Nason pointed out that Daniel Blake Russell was a gentle, refined man, of great sensibilities, had artistic tastes, was delicate and well educated. "Dakota Dan," he declared, had been a tramp, woodsman, cow puncher, ranchman, steamboat hand, blacksmith, and circus hand. The claimant, he charged, had met Frank Morton, a Melrose man, in the Bad Lands. Morton had abundance of information about Melrose. One man was receptive, the other over-flowing with knowledge. Both were speculators in their line.

Ironically, he suggested that the claimant, if he was the real Daniel

PRINCIPALS IN STRANGE FIGHT FOR HALF A MILLION

"DAKOTA DAN," Whose Claim to Half a Million Was Lost in Courts.

WILLIAM C. RUSSELL, Son of Dead Millionaire, Who Has Decided "Fresno Dan" Is His Brother.

"FRESNO DAN," Who Has Been Accepted As Brother of William C. Russell by Massachusetts Courts.



Blake Russell, would not have left home because of a simple dispute over wages, but would have been quick to take the matter to the courts.

On the second day Attorney Nason began tearing holes in the case offered by "Dakota Dan" and his attorneys.

He pointed out that "Dakota Dan" on the witness stand had been unable to tell the right name of the man he claimed as a brother. That he disclaimed any knowledge of the existence of Bertha York, who it had been testified, was the last person who saw the real Daniel Blake Russell before he left home.

The fact that the claimant knew nothing about two magazines to which Daniel Blake Russell subscribed for years, he said, was significant to say the least. The emotion "Dakota Dan" showed on the witness stand, he charged, was a play to the gallery. And in conclusion he asked:

"Why, with all their ability and power and influence, have not the claimant's attorneys been able to produce James Rousseau, or to show conclusively that he is dead?"

Senator Simpson's turn came next. He opened his argument with the fiercest peroration ever heard east of the Mississippi. He paid graceful tribute to the court, referred to the claimant as his brother lawyer, Nason, and then unleashed sarcasm that stung like a whip every time he yelled it.

Gets Over Points Thought Insurmountable.

"Simpson is getting over points that seemed insurmountable," declared one of Massachusetts' most able attorneys. The testimony of William C. Russell, he declared, deliberately contradicted that of another respondent's witness in regard to the Russell banquet. He said that no evidence had ever been produced in court to show that Frank Morton, the alleged informant, had ever been inside the Russell grounds, and no one had been placed on the stand to impeach his character or veracity.

Senator Simpson took three days for his argument. He was alternately flowery and snappy. He closed on the afternoon of Monday, April 13. It had been expected that, with the mass of evidence to be gone over Judge Lawton would not announce a decision for several days, perhaps not for weeks.

But before court adjourned he stated that he would hand down a decision the next morning.

On the morning of Tuesday, April 14, the East Cambridge courthouse was besieged by a wild mob, all seeking admission. Long before the time the doors of the courthouse were due to swing open, the streets on three sides of the courthouse were black with people. The doors opened, the crowd surged in. The courtroom was filled to its capacity.

"Dakota Dan" In Court Early.

"Dakota Dan" accompanied by Senator Simpson, went to court early. He was followed a few moments later by William C. Russell and his attorneys.

The reading of Judge Lawton's decision occupied an hour and a half. The closing words were:

"I find that none of the petitions now before the court were brought or presented by Daniel Blake Russell, but by one who attempted to impersonate him and to defraud the estate in relation to which they were filed. Accordingly, they will all be dismissed."

The charges of forgery, subornation of perjury, and counterfeiting United States stamps and postoffice cancellation marks were dismissed with the words:

"The conspiracy alleged by the claimant requires too many conspirators and is almost incredible."

FORTUNE OR PRISON.

"DAKOTA DAN" had lost the first point in a contest, of which the first is the prize of half a million, the second perhaps a term in prison.

In dismissing the case, Judge Lawton dismissed as well the charge of conspiracy made by "Dakota Dan." He did not say, however, that "Dakota Dan" is James Rousseau, although he did point out that the Rousseau letters, if authentic, amount to conclusive circumstantial evidence.

The crowd in the courtroom was ten to one in favor of "Dakota Dan." It left the courtroom quickly, but it waited for its hero outside. As "Dakota Dan" descended the courthouse steps, he was greeted with a mighty cheer.

"He is Daniel Blake Russell," screamed a Melrose woman of high standing in that staid city. "I know it, no matter if all the courts in America say he isn't."

Standing in the middle of the street, with his admirers around him, "Dakota Dan" held up his hand for quiet. Tears trickled down his face, and he controlled his emotion with difficulty.

Says He'll Prove His Right to Fortune.

"I am the real Danny Russell, and the only one," he finally said. "My brother may deny me, but I have the blood of the Russells flowing through my veins, and I shall prove it yet."

The crowd cheered and shouted. Policemen bore down on it from all quarters, and diving into it, began to disperse it.

Early Tuesday night, a mob of men, women and boys, formed in Melrose square. Leaderless, it surged through the streets of Melrose for hours. The houses of those who had testified against "Dakota Dan" were pelted and jeered at, and the occupants dared to come out and take their medicine.

It was the misfortune of Levi Coult, who testified against "Dakota Dan," to run about of the mob. He tried to face it, but had to run for it. A drug store offered temporary sanctuary. Aided by the clerk, the former mayor of Melrose finally escaped.

F. B. Almy Burned In Effigy.

The mob surged up to the Almy residence, burned Ferdinand B. Almy in effigy and booted the name of his daughter, Miss Sarah Almy. It invaded the old Russell estate and marching to the door of the Russell home, kicked William C. Russell in effigy over the veranda steps, and then strung the effigy up to one of the trees in the Russell orchard.

From the Russell home the mob moved on the house of James R. Axford, who had been old Russell's coachman. It swarmed up to his piazza, tore blinds from his windows, and hurled bricks through the windows. One of the mistakes just missed hitting Axford's daughter. He came out and confronted the mob, armed only with a golf stick. The mob—Melrose people are not rioters as a rule—was cowed for a moment.

A woman's voice, crying "Don't let one man frighten you," sent the rioters on. Axford was borne down and trampled underfoot. He was rescued by cooler heads and escaped. The homes of former Mayor Sidney H. Buttrick, and of Frenz, were also attacked by the mob.

Police Stopped In Melrose Square.

On Wednesday night the rioters assembled again, a thousand strong, in Melrose square. It proceeded to the Russell estate, where it was met by a force of blue coats. The effigies the mob bore were captured by the police. A boy recaptured them. They were set afire and two policemen who attempted to extinguish the blaze were stoned until they beat a retreat. One of the effigies was of Judge Lawton, the other was of William C. Russell.

The fence that surrounds the Russell estate caught fire. The fire department was called out. The mob hooted and jeered.

"Turn the hose on them," ordered one of the policemen. The firemen refused. Finally Mayor Moore, hurrying from a banquet, arrived at the Russell home. He begged the rioters to disperse.

Officers At Last Quell the Rioting.

The following night the mayor, the chief of police and his assistants, drove about Melrose in automobiles, ready to sound an alarm any moment a mob should assemble. Every member of

The Slim Woman Is Winning

The day of the slim woman's triumph has arrived. "The thinner one is the more stylish," say the dressmakers.

This would have been sad news for the fat woman of a year ago. She would have had to try dieting or exercise.

Nowadays, however, the woman who is too fat for the styles goes to a druggist and gets a case of Marmola Prescription Tablets, of which she takes after each meal and at bedtime and so reduces her superfluous flesh.

These tablets, being made in accordance with the famous prescription, are perfectly harmless, and they are, also, the most economical preparation a person can buy, for they cost only 75 cents a large case, one of which is frequently enough to start a person losing fat at the rate of 12 or 14 ounces a day.

Pretty nearly every druggist keeps this tablet stock, but should yours be sold out, you can easily obtain a case by sending to the makers, the Marmola Company, 251 Farmer Bldg., Detroit, Mich.

EACH TELLS TALE HARD TO REFUTE

Both Claimants Recognize "Old Friends," and in Turn Are Recognized.

case. Demo took him to Senator Cartwright in order that the latter might pass judgment on his tale.

In the meantime "Dakota Dan" has, for the moment, faded from the public view. The long strain of the trial has proven too much for him. He is taking the rest cure in a Lexington sanitarium.

A few days ago he purchased, through agents, a house in Melrose. He intends to live here until "the thing is settled." He may become mayor of Melrose, if the plans of his partisans succeed.

As a probate court, in Massachusetts, is not held to be a court of final decision, his appeal will be placed on the trial docket of the supreme court, as a matter of judicial custom.

The case probably will come up for trial next winter. At that time, attorneys for the respondents have declared, the whole plot by which "Dakota Dan" hoped to get the Russell fortune will be laid bare.

All In Hands Of William Russell.

But just what "Dakota Dan" can accomplish, even if the highest court in Massachusetts recognizes him as Daniel Blake Russell, is not clear.

Daniel Russell the elder, in his will, wrote that it was his earnest and sincere wish that his son, William C. Russell, should share equally with his other son, Daniel Blake Russell, if the latter should ever return.

The Massachusetts supreme court has passed upon the language in which this request is couched and decided that it is simply the request, and not the will of the dying man.

In other words, "Dakota Dan" recognized as Daniel Blake Russell, if he ever is, must still await the pleasure of William C. Russell.

But now he can not turn back even if he would. One court has branded him an impostor, intent on a scheme to defraud. He must prove himself Daniel Blake Russell, or else pay the penalty.

Senator Simpson, on the day Judge Lawton handed down his decision, told how long he was prepared to fight the case. He quoted, or rather misquoted, the old Arab song:

"Until the sun grows cold, till the stars grow old, till the Judgment Book unfold."

And by that time there probably will not be any of the estate left worth fighting for.

2,100 GET MORE WAGES.

BETHLEHEM, Pa., April 24.—The New Jersey Zinc Company has granted a 5 per cent increase in wages to its 490 employees here, 1,300 at Palmerton and 500 at Freeburg. The increase will date from April 16.

Studebaker Electrics

One Shopping Trip in a Studebaker Electric

would prove to any woman its distinctive superiority.

It rides so easily—moves so smoothly—is so thoroughly comfortable. Every convenience of the modern dressing-table, every little luxury of equipment is included in the furnishings of this dainty car.

You may go where you will, when you will, as you will—the merest turn of the wrist will guide the STUDEBAKER ELECTRIC through the most crowded thoroughfare. This together with the entire cleanliness, the low cost and ease of maintenance of the STUDEBAKER commends it as the most desirable of a woman's possessions, always.

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